

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

NEXUS PERFORATING LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Case No. 4:20-cv-01539
C&J ENERGY SERVICES, INC., a)	
Delaware Corporation; NEXTIER)	JURY TRIAL DEMANDED
OILFIELD SOLUTIONS, INC., a)	
Delaware Corporation; and, STEVE)	
DELOZIER, an individual)	
)	
Defendants.)	

**PLAINTIFF NEXUS PERFORATING LLC’S CONSENTED
MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests that the Court grant Plaintiff leave to file a Second Amended Complaint. A copy of the proposed Second Amended Complaint is attached herein as Exhibit A. Plaintiff’s counsel has met and conferred with Defendants’ counsel and Defendants do not oppose this request.

Under Rule 15(a)(2), a party may amend its pleading if the opposing party consents to the amendment in writing. Fed. R. Civ. P. 15(a)(2). The court should freely give leave when justice so requires. *Id.*

In lieu of filing a response to Defendants’ motion to dismiss Plaintiff’s First Amended Complaint (Dkt. No. 24), Plaintiff files this motion for leave to file a second amended complaint. Plaintiff’s proposed Second Amended Complaint primarily removes

certain causes of action against Defendant Steve DeLozier for patent infringement and willful infringement and the cause of action for respondeat superior against all Defendants. Plaintiff's proposed Second Amended Complaint also clarifies some of the allegations for the remaining causes of action. Plaintiff's proposed second amended complaint does not add any additional parties or causes of action.

For the foregoing reasons, Plaintiff respectfully requests that this Court grant Plaintiff's leave to file the Second Amended Complaint.

Date: September 15, 2020

Respectfully submitted,

BUCHE & ASSOCIATES, P.C.

/s/ John K. Buche

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ATTORNEYS FOR PLAINTIFF

NEXUS PERFORATING, LLC

CERTIFICATE OF CONFERENCE

I hereby certify that on September 15, 2020, Plaintiff's counsel conferred with counsel for Defendants via phone and e-mail regarding Plaintiff's request for leave to file a second amended complaint. Defendants' counsel indicated in writing that Defendants do not oppose Plaintiff's motion for leave to file a proposed second amended complaint. Defendants' counsel reserves the right to move to dismiss Plaintiff's Second Amended Complaint.

/s/John K. Buche
John K. Buche

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2020, a copy of the foregoing document was filed electronically in compliance with Local Rules CV-5.01. As such, this document was served on all counsel of record pursuant to Local Rules CV-5.1 and the Federal Rules of Civil Procedure.

/s/ John K. Buche
John K. Buche